

REMARKS/ARGUMENTS

Status of the Application

Prior to entry of this amendment, claims 22-28 and 30-45 were pending in the application. An Office Action mailed December 13, 2005, rejected claims 42, 43 and 45 under the second paragraph of 35 U.S.C. § 112 as failing to set forth the subject matter which Applicants regard as their invention. The Office Action also rejected claims 22 and 32 under the doctrine of nonstatutory double patenting over claims 1-5 of US Patent No. 6,801,926. Finally, the Office Action rejected claims 22-41 under 35 U.S.C. § 103(a) as being unpatentable over the combination of US Patent No. 6,065,002 (“Knotts”) and US Patent No. 5,566,330 (“Sheffield”). The Office Action also indicated that claims 43 and 44 are directed to allowable subject matter and would be allowable if rewritten in independent form.

This amendment amends claims 22, 32 and 45, and cancels claims 42-44.

Claim Amendments

Claim 22 has been amended to include the elements of previous claims 42 and 43. Claim 32 has been amended to include the elements of previous claim 44. Claims 42-44, correspondingly, have been canceled. Claim 45 has been amended to depend properly from claim 28.

§ 112 Rejections

The Office Action rejected claims 42, 43 and 45 under § 112, ¶ 2, as failing to set forth the subject matter which Applicants regard as their invention. In particular, the Office Action noted that the rejected claims each ultimately depended from canceled claims. Rejected claims 42-44 have been canceled, and rejected claim 45 has been amended, as noted above, to depend from claim 28, which is pending in the application. The Examiner’s attentiveness is

appreciated, and the Applicants believe that the amendments to claims 42-45 address the grounds of rejection. Accordingly, the withdrawal of the rejections under § 112 is respectfully requested.

Double Patenting and § 103 Rejections

The Office Action rejected claims 22 and 32 under the doctrine of double patenting and rejected claims 22-41 under § 103(a) as being unpatentable over Knotts in view of Sheffield. This rejection is respectfully traversed, and the Applicants continue to believe that the claims in their prior form are allowable and reserve the right to pursue the unamended claims in a later application.

Nonetheless, in the interest of expediting prosecution, the Applicants have amended independent claim 22 to include the elements of prior claims 42 and 43, while independent claim 32 has been amended to include the elements of prior claim 44. It is believed, as suggested by the Office Action, that these elements render independent claims 22 and 32 allowable, overcoming both the double patenting and § 103 rejections. Dependent claims 23-28, 30, 31, 33-41 and 45 are believed to be allowable at least because they depend from allowable base claims.

Conclusion

In view of the foregoing, the Applicant believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/007,547
Amdt. dated February 13, 2006
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 2152

PATENT

If the Examiner believes the claims are not in condition for allowance, the Examiner is respectfully requested to telephone the undersigned at 303-571-4000.

Respectfully submitted,


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